

Serial No. 09/847,347
Amdt. dated **October 12, 2004**
Reply to Office Action dated July 29, 2004

Docket No. K-282

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending in the present application. Claims 1, 2, 4, 7, 12 and 25 have been amended by the present amendment.

In the outstanding Office Action, claims 1-25 were objected to; claims 1, 7-9, 11, 12, 18, 19 and 21-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nobuyasu et al. in view of Seta and Habbe et al.; claims 10 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nobuyasu et al. in view of Seta, Habbe et al. and Lee et al.; and claims 2-6 and 13-17 were indicated as allowable if rewritten in independent form.

Applicant thanks the Examiner for the indication of allowable subject matter.

Regarding the objection to claims 1 and 25, the term “occurrence” has been changed to “occurrences” as requested in the Office Action. Accordingly, it is respectfully requested this rejection be withdrawn.

Claims 1, 7-9, 11, 12, 18, 19 and 21-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nobuyasu et al. in view of Seta and Habbe et al. This rejection is respectfully traversed.

Independent claim 1 has been amended to recite that the receive interface part counts and records a number of error occurrences by checking header errors of the cells. Independent claims 14 and 25 include similar features in a varying scope.

As discussed in the background of the invention, the ATM cell monitoring device according to the related art only monitors how many ATM cells are transmitted and received when transceiving an ATM cell including 53 bytes, yet fails to monitor an error of the transceiving ATM cell and a delay time of the cell transmission from the base station controller to the base transceiver station (see pg. 4, lines 7-16).

On the contrary, the present invention counts and records the number of error occurrences by checking header errors of the cells (see pg. 8, lines 3 and 4, for example). The claimed monitoring apparatus also transfers a test cell produced for checking a cell transmission time between the base transceiver and the base station controller. The dotted arrow in Fig. 2 illustrates this feature in a non-limiting example.

The Office Action indicates Nobuyasu et al. teaches counting the number of error occurrences by checking header errors of the cells and cites col. 6, lines 35 and 36. However, as discussed in the previous response filed May 11, 2004, Nobuyasu et al. merely checks an extracted ATM cell for an HEC (header error control) error, but does not count nor record the number of error occurrences. In more detail, as shown in Fig. 6, Nobuyasu et al. discloses an HEC processor 43 which “checks the header of the CPS packet for an error, and

sends an HEC error to an OR gate 48 if it detects an error. When the OR gate 48 is supplied with ... an HEC error ... the OR gate 48 sends a reset signal to the FIFO memory 50, the HEC processor 43, the CID latch 45, the LI latch 46 and the modulo-53 counter 41 for thereby resetting them” (see col. 8, lines 17-19). The HEC processor 43 does not count nor record the number of error occurrences by checking headers of the cells. Rather, Nobuyasu et al. merely resets the HEC processor upon entering a header error. Seta and Habbe et al. also do not teach or suggest the claimed features.

Accordingly, it is respectfully submitted independent claims 1, 12 and 25 and each of the claims depending therefrom are allowable.

Further, it is respectfully submitted the other rejection noted in the outstanding Office Action has also been overcome as the additional references also do not teach or suggested features recited in the independent claims.

CONCLUSION

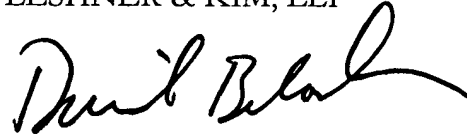
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **David A. Bilodeau**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read "Daniel Y.J. Kim".

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